

## **REMARKS/ARGUMENTS**

### **Remarks Regarding Amendments in the Claims:**

Claims 40-46, 48 and 49 are pending. Claims 1-39, 47, 50 and 51 were previously cancelled. Claim 40 is currently amended as shown in the listing of claims and as will be described further below. The Applicant submits that no new matter has been added.

### **Drawing**

The drawings we objected to for not showing every feature specified in the claims. Specifically, the Office Action stated that the door frame constructed in an opening of a wall and having two vertical sides must be shown or the features cancelled from the claims. The door frame is described at page 3, lines 25-27, and shown as element 18, for example in Figure 2. The opening of a wall and two vertical sides of the frame have been cancelled from claim 40. The Applicant submits that the amendments to claim 40 resolve the objection to the drawings.

### **Claim Objections**

"The" in line 1 of claim 1 has been changed to "A" as suggested in the Office Action. References to the vertical sides of the frame has been removed from claim 40, including removing "one vertical side" on lines 5-6 of claim 40. The Applicant submits that the amendments resolve the claim objections.

### **Claim Rejections – 35 USC 112**

The claims were rejected for indefiniteness in view of lines 22, 24, 32, 33, 36-37 and 38 of claim 40. Regarding line 22, "distal edges of each of the side members" has been amended to "distal edge of each of the side members". Regarding line 24, reference to "a horizontal direction" has been deleted. Regarding line 32, reference to "the reinforcing member" has been amended to "the first U-shaped reinforcing member". Regarding line 33, the noted recitations have been removed by amendment. Regarding lines 36-37, the amended claim

refers to the full length of the free vertical edge portion. Line 38 has been amended to refer to "the locking member." The Applicant submits that the amended claim is not indefinite.

#### **Claim Rejections – 35 USC 103**

Claims 40-45 were rejected as being obvious over British Patent Application No. 2,265,664 in view of Barnes and Ausubel. Claims 46, 48 and 49 were rejected over these references as applied to claims 40-45 in view of further references. The Applicant respectfully requests that this rejection be reconsidered.

The Applicant continues to rely on its earlier submissions, for example the response of July 30, 2008. The Applicant submits that the British application does not describe any of (a) a first U-shaped security member that is over bend mounted so as to engage the free vertical edge portion of the door without being screwed to the door (b) a first U-shaped security member that extends substantially along the full length of the free vertical edge portion of the door and (c) a first U-shaped security member having side members wherein the distal edges of each of the side members does not extend, in a horizontal direction from the free vertical edge portion towards the hinged vertical edge portion, beyond any portion of the lockset protruding through the front surface of the door. The Applicant submits further that providing point (b) is not obvious in view of Barnes and that providing point (c) is not obvious in view of Ausubel, as proposed in the Office Action.

Regarding point (c), the Office Action suggests in the Response to Arguments section that it would be more accurate for claim 40 to recite that the distal edge of the side portion does not extend beyond any part of the lockset. Claim 40 has been amended in line with this suggestion. The Applicant submits that Ausubel does not provide such an element since in Ausubel the distal edge of each side member does extend, in a horizontal direction from the free vertical edge portion towards the hinged vertical edge portion, beyond a portion of the lockset protruding through the front surface of the door. A combination of the British

application, Barnes and Ausubel would therefore not provide all of the elements of claim 40 and the claims are not obvious. The Applicant submits that this is sufficient basis to allow the claims, but provides the further submissions below.

Regarding point (a), the Applicant submits that the reference to a snug fit of the reinforcing member in the British application does not indicate that the reinforcing member would be mounted without screws. There is no teaching in the British Application that the snug fit provides any force suitable to mount the reinforcing member on the door. Further, the presence of holes for screwing the reinforcing member to the door conveys to the person skilled in the art that screws will be used. The British application also states at page 6, lines 4 to 8 that the greater the number of fastening means, the less stress is required to be absorbed by each. This teaches that screws are present, since their presence is required for them to absorb stress, and that they are responsible for transferring force from the reinforcing member to the door. The Campagnaro declaration submitted with this response supports these submissions. The Applicant submits that Mr. Campagnaro, being a finish carpenter and locksmith experienced with security devices for doors, is an ordinary person skilled in the art. At paragraphs 11 and 15, Mr. Campagnaro states that he does not read the British application as describing a U-shaped member that is over bend mounted to the door, or that the snug fit enables forces to be transmitted from a surface of the door through a locking member to the second reinforcing member and the door frame. At paragraph 17, Mr. Campagnaro declares that his reading of the British application teaches him that screws are used to attach the U-shaped reinforcing member to the door and that the screws are what transfers forces when someone tries to break into the door.

Regarding points (b) and (c), the Office Action relies on a combination of the British application with Barnes and Ausubel. The alleged combination involves creating a device that has side members that are as wide of those shown in the British application along substantially the full height of the door except for the

area around the lockset, which is cut out in a manner analogous to Ausubel. The Applicant submits that such a device is contrary to the teachings of the references. The British application teaches reinforcement of the area near the lockset. Barnes similarly teaches a device with flanges only in the area of the lockset, its portion which extends further having no flanges. Ausubel again teaches a device applied only in the area of the lockset. Since all three references teach side members only in the area of the lockset, the Applicant submits that it would not be obvious, as proposed in the Office Action, to have a side member extending substantially the full height of the door. Further, it would not be obvious to cut out, and presumably weaken, a side member only in the area of the lockset since that is contrary to the teachings of the British application and Barnes to reinforce with side members only in the area of the lockset.

The motivation to combine the references is also considered in the Campagnaro declaration. In paragraphs 5 to 13, Mr. Campagnaro describes each reference in detail. In paragraph 18 to 22, Mr. Campagnaro describes how the teachings of the references themselves do not suggest their combination. Further, his knowledge of the art also does not lead him to any obvious combination of the references. Instead, knowledge of the art would lead a person skilled in the art to expect that the combination proposed in the Office Action would produce undesirable results. The Applicant submits that the Campagnaro declaration addresses the reasoning and rationale supplied in the Office Action and demonstrates that it would not be obvious to combine the references in the manner proposed by the Office Action.

For the reasons above, in addition to the reasons provided in previous responses, the Applicants submit that the claims are not obvious.

Respectfully submitted,

JAMES GRIFFIN, Jr.

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Scott R. Pundsack  
Reg. No. 47,330  
(416) 957-1698